



PRIVATE WORKS IN ROAD RESERVE POLICY

1. Policy Statement

Council has a responsibility to ensure assets within the road reserve are maintained in a safe condition for all road users. This Policy details the requirement for private works within a Council controlled road reserve in the Hinchinbrook Shire. The purpose of this policy is to provide clear guidelines on works within the road reserve and its intended for use by Council officers, utilities, private developers and residents.

2. Scope

This policy and its associated documentation covers private works within a Council controlled road reserve performed by a property owner or their contractor. This policy covers non-emergency works by a service authority to access their respective assets located within the road reserve.

3. Responsibility

- 3.1 Private utilities, developers, contractors and residents are responsible for ensuring works are carried out in accordance to the relevant standard by obtaining a Private Works in Road Reserve Permit to Proceed Works.
- 3.2 The Engineering Compliance and Technical Officer is responsible for ensuring that Private Works in Road Reserve Permits are issued and that the works are constructed in accordance with this policy.
- 3.2 Supervisors/Managers and Executive Managers are responsible for making known the required standards and for enforcing these in accordance with this policy.
- 3.3 The Chief Executive Officer has the overall responsibility for the implementation and execution of this policy.

4. Definitions

Road Reserve	Area vested with Council as a managing authority running parallel to and being bounded by property line to property line in which may include nature strips, public roads, footpaths and associated assets.
Private Works within a Road Reserve Permit	A permit outlining the conditions under which Council allows the holder to undertake private works within the road reserve.
Contractor	A private contractor responsible for undertaking connections to existing services.

5. Policy

Private Works in Road Reserve Application

1. Road Reserve is a Local Government Controlled Area and is governed under Local Law No. 4. A Private Works in Road Reserve Permit is required when:
 - Constructing new or altering existing infrastructure within a road reserve, e.g. construction of a vehicle access, removal or planting of trees, alterations to drainage; or
 - An event or works requiring disruption to traffic.
2. If persons are unsure if the proposed works requires a Private Works in Road Reserve Permit, clarity must be sought from Council verifying whether or not a Private Works in Road Reserve Permit is required. Mowing and general maintenance within a road reserve does not require a Private Works in Road Reserve Permit.

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3. Private works within a Council road reserve must not be undertaken unless approval has been obtained from Council via a Private Works in Road Reserve Permit to Proceed Works.
4. To gain consent from Council a Private Works in Road Reserve Permit application must be provided for assessment. Council will respond to the application within the timelines specified in Council's Customer Service Charter.
5. Depending on the type or works, various inspections are required. The Inspection Schedule is to be listed on the approval permit provided to the applicant. The Inspection Schedule will vary, but for example may consist of:
 - a. An initial inspection (upon receipt of an application and prior to the provision of a Private Works in Road Reserve Permit to Proceed Works)
 - b. Pre-pour inspection
 - c. Final inspection.

All inspections require a minimum of 24 hours' notice to Council to arrange any inspection and can only be undertaken during Council's standard working hours Monday to Friday 8am – 5pm.

6. Where private works in a road reserve are being performed without an approved Private Works in Road Reserve Permit to Proceed Works, Council reserves the right to stop work until a permit has been issued.
7. Private works in a road reserve must not commence until the applicant has obtained a Private Works in Road Reserve Permit to Proceed Works from Council, which as a minimum must include the following:
 - Description of the works being undertaken in which approval has been given for.
 - Reference to and provide the applicable standard drawings appropriate for the works being undertaken or reference plans provided by the applicant.
 - Details of approved contractor to undertake the works.
 - Specific Hold Points required for Council to undertake necessary inspections.
 - Standard conditions outlined in this policy.
 - Any non-standard conditions applicable to the proposed works.
8. Any private works or events that require a partial or full road closure require a traffic management plan to be submitted to Council with the Private Works in Road Reserve Permit Application form. In all other instances traffic management must be undertaken in accordance with the Standard Conditions.
9. The applicant must acknowledge on the form that the works will be carried out in accordance with the standard conditions.
10. The property owner may be required to install an enverloper pipe in instances where a concrete driveway, footpath etc. is being installed in the road reserve as private works. Council will advise in the letter of approval the size and length of enverloper pipe where required. Council will supply the enverloper pipe if sufficient notice is given to Council to procure the materials.
11. For Private Works in Road Reserve Permits to install a storm water connection to kerb, Council will supply the Stormwater Kerb Adaptor if sufficient notice is given to Council to procure the materials.

Unmaintained Formed Roads

In instances where only general maintenance on unmaintained formed roads in a road reserve is to be undertaken (e.g. light grading, pothole filling, drain cleaning, mowing) a Private Works in Road Reserve Permit is not required. Council does not accept any responsibility for any work carried out on unmaintained formed roads in a road reserve and the expectation is that any works would be carried out in accordance with the standard conditions listed below. Any works in excess of general maintenance would require a Private Works in Road Reserve Permit (e.g. road construction, culvert construction, alterations to drainage, road pavement repair works etc.).

Works in Road Reserve Conditions

The following conditions are the minimum standard conditions that must be applied to a Private Works in Road Reserve Permit to Proceed Works:

- a. The contractor or person carrying out the construction works must have a current public liability insurance policy of no less than \$20,000,000 before commencing the works approved under the Permit issued by Council.
- b. Any interruption to traffic or pedestrian flow within a road reserve requires a Traffic Management Plan. All works on roads must include compliance with Part 3 of the Manual of Uniform Traffic Control Devices (MUTCD) provisions for warning, instructing and guiding road users safely through, around or past work sites on roads including footpaths.
- c. The Applicant will indemnify the Council against any claims whatsoever, including all costs and expenses arising from the works.
- d. Failure to comply with Council's requirements may result in Council taking action and costs charged to the Approval holder.
- e. The constructor is to notify Council's Engineering Compliance and Technical Officer, on Telephone 4776 4605, prior to the commencement of any works and following completion of the works to allow an inspection to be undertaken.
- f. All works are to be constructed so that no hazards are presented to the public.
- g. The Applicant is responsible for determining the location and depths of all services; All services, in the area of the works, are to be located prior to excavation works commencing. Services that may be in the footpath area can be located by contacting the "Dial Before You Dig" hotline on 1100 or by visiting their website www.1100.com.au. The Applicant must pay the cost to restore any damage caused.
- h. This Approval gives no consent for trees, shrubs, or plants to be removed.
- i. Work is to be completed within six (6) months of approval date, unless an extension of time is applied for and granted.
- j. Once access works are constructed to a satisfactory standard, the access will become the property of Council, however maintenance of the access remains the responsibility of the property owner. Please note that the property owner is required to ensure that the access structure is maintained to a safe and serviceable condition.
- k. The persons undertaking the works must minimise the effect of the construction activity on areas of conservation value or cultural heritage significance.
 - i. Hinchinbrook Shire Council must be notified of incidents, which cause or have the potential to cause material or serious environmental harm (as defined in the Environmental Protection Act 1994). This shall be in addition to notifying the Department of Natural Resources and Mines (DNRM), environment section or other administering authority, when required.
 - ii. Hinchinbrook Shire Council must be notified, as soon as practicable, of meetings with, inspections, audits or visits from representatives of DNRM's environment section or other state government department.
- l. Should any artefacts of cultural heritage significance be located during the works, the Cultural Heritage Coordination Unit of DNRM must be notified, and;
 - i. Identify and clearly mark out any cultural heritage sites to be protected.
 - ii. Cease your activities immediately in the vicinity of the find.
 - iii. Leave any found items undisturbed and erect a temporary barrier to deter access.

Non-Compliance and Enforcement

Council does not condone or accept any responsibility for any private work carried out within a road reserve without its written approval.


1. Where unapproved works have been identified, Council will provide notice in accordance with its Local Laws to issue a compliance notice to ensure compliance with this policy.
2. Where the occupier fails to take action to act on the compliance notice, then an Authorised Officer may take action in accordance with Council's Local Laws to have the works rectified, at the cost to the owner.
3. Council reserves the right to enforce a stop work notice, when it has been identified that private works are being carried out in a road reserve without a Private Works in Road Reserve Permit or the works are not being carried out in accordance with the conditions set out in the Private Works in Road Reserve Permit to Proceed Works.

6. Legal Parameters

Local Government Act 2009
 Regulations under the Local Government Act
 Local Laws
 Manual Uniform of Traffic Control Devices

7. Associated Documents

Vehicle Access Policy
 Private Works in Road Reserve Permit Application Form
 Council's Standard Drawings
 Customer Service Charter

DOCUMENT HISTORY AND STATUS						
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